

Chairperson Michael Beckendorf
Vice-Chairperson Leo Gonzalez



Commissioners
Pete Bienski
Bobby Gutierrez
Nancy Hardeman
Scott Hickle
G.H. Jones
Kevin Krolczyk
Prentiss Madison

MINUTES

**BRYAN PLANNING AND ZONING COMMISSION
REGULAR MEETING
THURSDAY, MAY 16, 2013 – 6:00 P.M.
COUNCIL CHAMBERS, BRYAN MUNICIPAL BUILDING
300 SOUTH TEXAS AVENUE, BRYAN, TEXAS**

Disclaimer: *The meeting minutes herein are a summarization of meeting procedures, not a verbatim transcription*

1. CALL TO ORDER.

Chairperson Beckendorf called the meeting to order at 6:00 pm.

Commissioners	Present	2013 Regular Meetings Held	2013 Regular Meetings Attended	Regular Meetings Held During Last 6 Months	Regular Meetings Attended During Last 6 Months
Michael Beckendorf	Yes	9	9	10	10
Pete Bienski	Yes	9	8	10	9
Leo Gonzalez	Yes	9	8	10	9
Bobby Gutierrez	Yes	9	8	10	9
Nancy Hardeman	Yes	9	7	*	*
Scott Hickle	Yes	9	8	10	9
G. H. Jones	Yes	9	9	10	9
Kevin Krolczyk	Yes	9	8	10	9
Prentiss Madison	Yes	9	7	10	8

*Commissioner Hardeman appointed for 2013.

Staff Members Present: Mr. Martin Zimmermann, Assistant Director of Planning and Development Services, Ms. Janis Hampton, City Attorney, Ms. Maggie Dalton, Staff Planner, Mr. Matthew Hilgemeier, Staff Planner, Mr. Paul Kaspar, City Engineer, Mr. Dale Picha, Transportation Manager, Mr. Joey Dunn, Deputy City Manager, Mr. Marc McFeron, Fire Marshal, Mr. Randy McGregor, Fire Chief, and Ms. Annette Denton, Planning Intern

Chairperson Beckendorf announced that agenda item #5 will be considered following consideration of agenda #7 and that agenda item #2 (Hear Citizens) will be moved to the end of the meeting agenda.

3. RECOGNITION OF AFFIDAVITS FILED IN RESPONSE TO STATE LAW ON DISCLOSURE OF LOCAL OFFICIAL'S CONFLICT OF INTEREST.

No affidavits were filed.

4. CONSENT AGENDA.

A. Approval of minutes from the workshop and regular meetings on May 2, 2013.

B. Right-of-Way Abandonment RA12-07: N. Polk and N. Pierce Streets **R. Haynes**

A request to abandon a 10' x 115' portion of North Polk Street right-of-way extending north from its intersection with East 24th Street and adjacent to Lot 1 in Block 73 of Bryan Original Townsite, and a 15' x 115' portion of North Pierce Street right-of-way extending north from its intersection with East 24th Street adjacent to Lot 5 in Block 73 of Bryan Original Townsite in Bryan, Brazos County, Texas.

C. Final Plat FP12-10: Highland Hills – Phase 2

M. Dalton

Proposed Final Plat of Highland Hills Subdivision – Phase 2, being 20.26 acres of land out of John Austin Survey, A-2 located at the terminus of Highpoint Drive, northwest of its intersection with Briarcrest Drive in Bryan, Brazos County, Texas.

Commissioner Jones moved to approve the Consent Agenda. Commissioner Gonzalez seconded the motion. The motion passed unanimously.

REQUESTS FOR APPROVAL OF ZONING CHANGES – A PUBLIC HEARING WILL BE HELD FOR EACH ITEM (Commission makes recommendation; City Council has final approval).

6. Rezoning RZ12-08: WBW Land Investments, LP

M. Zimmermann

A request to change the zoning classification from Agricultural-Open District (A-O) to Planned Development District – Housing (PD-H) on 166.2 acres of land out of the Zeno Phillips League, Abstract No. 45 and the T. J. Wooten League, Abstract 59 located generally north of the Oak Meadow and Autumn Lake Subdivisions and along the west side of Chick Lane between West Villa Maria Road and Leonard Road in Brazos County, Texas.

Mr. Zimmermann presented the staff report (on file in the Development Services Department). Staff recommends approving the request, subject to the requirement that minimum 7.5-foot building setbacks apply throughout the development and three modifications to the development plan drawing.

Fire Chief, Mr. Randy McGregor, and Fire Marshal, Mr. Marc McFeron, came forward to urge the Commission to maintain minimum 7.5-foot side building setbacks throughout this development. Responding to questions from the Commission, Mr. McFeron explained building code requirements for townhouses and single-family homes.

The public hearing was opened.

Mr. Chris Peterson, 3702 Oak Ridge Drive, Bryan, Texas, attorney for the applicants, came forward to speak in favor of the proposed rezoning. Mr. Peterson discussed the history of the development proposal and stated that the developer agrees to staff's recommendation with the exception that 5-foot side building setbacks be allowed throughout the development. He advised that 7.5-foot setbacks would cause a 10% reduction in the number of lots, which may make the project not feasible given the requirements for collector street dedication and improvements on this property. Mr. Peterson clarified that the developer proposes to that duplexes be allowed as of right in Phases 6 and 7 of the development.

Mr. Randy French, 4301 Clipstone Place, College Station, Texas, came forward to speak in favor of the proposed rezoning. Mr. French advised that his company, Stylecraft Builders, Inc. will be building homes in this new subdivision and that he is in favor of the proposed 5-foot side building setbacks. He stated that 5-foot setbacks are used in several major metropolitan areas in the State of Texas such as Houston, Austin, and San Antonio and that several subdivisions in the Bryan-College Station area have been constructed with 5-foot setbacks (Castlegate, Castlerock, Autumn Lake).

Mr. Donnie Manry, 6930 Chick Lane, Bryan, Texas, came forward to speak in opposition to the rezoning proposal, as requested. Mr. Manry voiced concerns about adding 600+ homes in this area. He maintained that many homes in the adjoining subdivision are rentals and that there are often vacancies. Mr. Manry also stated that there may be insufficient right-of-way to extend Autumn Lake Drive as shown on the development plan without acquiring additional land. Mr. Manry stated that he is not opposed to a residential subdivision here, but that he is opposed to smaller lot sizes, reduced setbacks and the proposed duplexes.

Mr. Uldric Zemanek, 5987 Chick Lane, Bryan, Texas, came forward to voice concerns about duplexes and added traffic on Chick Lane/Autumn Lake Drive.

Chairperson Beckendorf announced a recess at 7:20pm.

Chairperson Beckendorf reconvened the meeting at 7:26pm.

Ms. Rene Lawrence, 712 Banks Avenue, Bryan, Texas came forward to speak in favor of reduced building setbacks to increase density, but suggested requiring additional construction standards to help assure fire safety.

Ms. Cali Harper, 2017 Mountain Wind Loop, president of the Autumn Lake Homeowners Association, came forward to voice concerns about increased traffic due to this development. She stated that the HOA does not oppose a new residential subdivision here, but suggests that a paved connection to Chick Lane/Leonard Road be built with the first phases of the development, to provide another entrance/exit to the neighborhood in addition to Autumn Lake Drive. Ms. Harper also stated that the HOA suggests maintaining 7.5-foot setbacks.

Ms. Kathryn Ballard, 1691 Summerwood Loop, Bryan, Texas, president of the Oak Meadow Homeowners Association, came forward to voice concerns about increased traffic, fire department access, and effects of the development on property values. Ms. Ballard also advocated another entrance/exit to the neighborhood and neighborhood amenities.

Mr. Levi Johnson, 2051 Mountain Wind Loop, Bryan, Texas, came forward and asked the Commission to consider requiring a secondary access to the new subdivision to Chick Lane/Leonard Road.

Responding to a question from the Commission, Mr. Zimmermann advised that Chick Lane and Leonard Road north of the proposed development are located in Brazos County and not in the City of Bryan.

Mr. Andrew Harper, 2017 Mountain Wind Loop, Bryan, Texas, came forward to voice concerns about the proposed duplex lots.

Mr. Uldric Zemanek, 5987 Chick Lane, Bryan, Texas, came forward to state that the reason that Chick Lane is not paved is because right-of-way for the road was not formally dedicated.

Ms. Sharon Anderson, 2304 Cindy Lane, Bryan, Texas, came forward to voice concerns about adding more traffic to Chick Lane where it extends to Leonard Road.

Ms. Stephanie Manry, 6930 Chick Lane, Bryan, Texas, came forward to suggest not extending Autumn Lake Drive and, instead, to block it off so as to prevent additional traffic in the Autumn Lake Subdivision.

Mr. Daryl Marek, 2708 Barronwood Drive, Bryan, Texas, came forward to voice concerns about increased traffic.

Mr. David Miller, 1718 Summerwood Loop, Bryan, Texas, came forward to voice concerns about street maintenance.

Ms. Catherine Pfent, 2004 Turningleaf Drive, Bryan, Texas, came forward to voice concerns about the proposed duplexes in this new development and increased traffic on Autumn Lake Drive.

Mr. Michael Campbell, 1706 Kingsgate Drive, Bryan, Texas, came forward to voice concerns about increased traffic on Kingsgate Drive and reducing building setbacks for financial reasons.

Mr. Daniel Schwartz, 2011 Snowy Brook Trail, Bryan, Texas, came forward to commend Mr. French for maintaining green spaces in the Autumn Lake Subdivision.

Mr. Garrett Nordyke, project engineer for WBW Development, came forward to explain proposed collector roadway improvements for the development. Responding to questions from the Commission, Mr. Nordyke stated that the developer could set up a Homeowners Association that maintains the duplex lots.

Mr. Dale Wilson, 2708 Barronwood Drive, Bryan, Texas, came forward to question the benefits of the new development to the Oak Meadow Subdivision.

The public hearing was closed.

Commissioner Gonzalez moved to recommend approval of Rezoning case no. RZ12-08 to the Bryan City Council, allowing 5-foot building setbacks to apply throughout the development and with the following modifications to the development plan:

- That lots to be developed with duplexes in Phases 6 and 7 shall require Conditional Use Permit approval.
- That the development plan note concerning lots fronting Kingsgate Drive and the major collector be amended to read as follows: “Lots fronting Kingsgate Drive and the major collector shall have adequate maneuvering space so vehicles will not be allowed to back directly into these streets.”
- That the extensions of Autumn Lake and Kingsgate Drives north of the major collector be depicted on the development plan using the same grey “collector street” fill color used for depicting the remainder of these streets.

and to adopt the written staff report and analysis, as the report, findings and evaluation of this Commission. Commissioner Hickle seconded the motion.

Commissioners discussed:

- 5-foot building setbacks vs. 7.5-foot building setbacks
- requiring Conditional Use Permit approval for duplex lots
- appropriateness of duplex lots in this development
- modifications to the development proposal from the previous proposal
- benefits of the development for the Bryan community
- Chick Lane improvements outside of the development

The motion passed by a vote of 8 in favor and 1 in opposition. Commissioner Hardeman cast the vote in opposition.

REQUESTS FOR APPROVAL OF CONDITIONAL USE PERMITS – A PUBLIC HEARING WILL BE HELD FOR EACH ITEM (Commission has final approval; appeals may be directed to City Council).

7. Conditional Use Permit CU13-04: J.C. Wall III

M. Hilgemeier

A request to allow a townhouse development on property zoned South College – Business District (SC-B), specifically on property located at 3500 South College Avenue, being 2 acres of vacant land out of the J.E. Scott Survey at the south corner of South College Avenue and Watson Lane in Bryan, Brazos County, Texas.

Mr. Hilgemeier presented the staff report (on file in the Development Services Department). Staff recommends approving the request subject to conditions relating to conformity with SC-B District standards and the submission of a site plan for SDRC review.

The public hearing was opened.

Mr. Joe Gattis, 2010 Moses Creek Court, College Station, Texas, came forward to speak in favor of the request. He discussed changes the applicant made at the recommendation of Commission, reducing the number of proposed townhomes and adding commercial development.

Mr. J.C. Wall II, applicant, came forward to speak in favor of the request. In response to a question, he described the fencing the townhomes would have. In response to a question, he stated that he had not decided what commercial entities would be placed in the front of the development.

The public hearing was closed.

Commissioner Hickle moved to approve Conditional Use Permit CU13-04 subject to the following conditions:

- **That the apartment development shall generally conform to standards and limitations that generally apply to properties zoned South College-Business (SC-B) specifically pertaining to townhome developments, including, but not limited to regulations concerning density, building height, building elevations, coverage, access, screening, landscaping, accessory buildings, signs and lighting.**
- **That a site plan fulfilling all the technical requirements for development of a townhome complex on the subject property, including, but not limited to public water/sewer utility extensions, stormwater management, landscape plan and analysis and on-site traffic circulation, shall be approved by the City of Bryan's Site Development Review Committee (SDRC), before any building permits are issued.**

and to adopt the written staff report and analysis, as the report, findings and evaluation of this Commission. Commissioner Hardeman seconded the motion.

Commissioners discussed:

- the value of the project
- adding more commercial development
- whether commercial development was feasible
- whether commercial development or townhomes would be built first
- the zoning of nearby properties

The motion passed by a vote of 5 in favor and 4 in opposition. Commissioners Gonzalez, Gutierrez, Beckendorf, and Krolczyk cast the votes in opposition.

***NOTE:** Due to an inadvertent notification error the Commission's action regarding this Conditional Use Permit case no. CU13-04 is null and void. The case has been scheduled for consideration during the Commission's regular meeting on June 6, 2013.*

Chairperson Beckendorf announced a recess at 8:37pm.

Chairperson Beckendorf reconvened the meeting at 8:43pm.

**PROPOSED AMENDMENTS TO THE TEXT OF BRYAN'S CODE OF ORDINANCES – A
PUBLIC HEARING WILL BE HELD FOR EACH ITEM (Commission makes recommendation;
City Council has final approval).**

5. Tattoo Studio Uses in Downtown – South (DT-S) Zoning District

M. Zimmermann

A recommendation to the Bryan City Council regarding an amendment to the text of Bryan Code of Ordinances Chapter 130, Zoning, to allow tattoo studio uses in the Downtown – South (DT-S) zoning district by right, or with prior approval of a Conditional Use Permit, and determining whether any use-specific conditions should be applied to such uses, and amending existing zoning district regulations accordingly.

Commissioner Hickle moved to table consideration of this item so that a Planning and Zoning Commission subcommittee can be appointed to study allowed land uses in the downtown zoning districts and report back to the full Commission by the Commission's regular meeting scheduled for July 18, 2013, and that the subcommittee shall consist of Commissioners Hickle, Hardeman, Gonzalez, and Madison. Commissioner Hardeman seconded the motion.

The motion passed by a vote of 8 in favor and 1 in opposition, with Commissioner Gutierrez casting the vote in opposition.

2. HEAR CITIZENS.

Mr. Cliff Collard, 110 Marta Street, College Station, Texas; Ms. Gwendolyn Inocencio, 6849 Bendwood, College Station, Texas; Ms. Kristy Petty, 810 Enfield Street, Bryan, Texas; Mr. Chris Lawrence, 712 Banks Avenue, Bryan, Texas; Ms. René Lawrence, 712 Banks Avenue, Bryan, Texas; and Mr. Mike Lapp, 19063 E. State Hwy 21, Bryan, Texas, came forward to speak in favor of allowing tattoo studio uses in the Downtown-South (DT-S) zoning district either by right or through conditional use permit. Citizens informed the Commission:

- that Mr. Collard is recognized statewide in his field
- that tattoos are a form of art and would be placed among other downtown art uses
- that Mr. Collard's clientele must book appointments months in advance
- that making a decision about tattoo studio uses based on the type of clientele is discrimination
- of Mr. Collard's education and contributions to the community
- that Mr. Collard's business is an exception to negative stereotypes about tattoo studio uses.

Ms. Sharon Anderson, 2304 Cindy Lane, Bryan, Texas, came forward to speak in opposition to tattoo studio uses in the DT-S zoning district. She informed the Commission that if it were to consider allowing tattoo studio uses, it should be by Conditional Use Permit and add restrictions to the distances the tattoo studio uses are allowed from other uses and to the hours the studio is allowed to operate.

6. ADJOURN.

Without objection, Chairperson Beckendorf adjourned the meeting at 9:01 pm.

These minutes shall serve as the official findings of the City of Bryan Planning and Zoning Commission, as approved on this the **6th day of June, 2013**.

Michael Beckendorf, Chairperson
Planning and Zoning Commission
City of Bryan, Texas

Martin Zimmermann, AICP
Assistant Director of Development Services and
Secretary to the Planning and Zoning Commission